

ROBERT DELL & ASSOCIATES

946 Franklin St., Watertown, NY 13601-3859
(315) 788-2417
www.northern-ny.net
mailto:reply.letter@northern-ny.net

Renata Hesse, Trial Attorney
Suite 1200
Antitrust Division
Department of Justice
601 D Street NW
Washington, DC 20530

December 13, 2001

As an individual with over twenty years experience in the personal computer industry, I would ask you to consider my comments on the case U.S. v. Microsoft.

The proposed settlement does not remedy the antitrust violations of which Microsoft has been found guilty, and in fact could extend their monopoly.

A proper settlement would create competition in the operating system market and impose a real penalty on the defendant without, however, forcing significant disclosure of intellectual property.

Microsoft's domination of the operating system market began with their Windows 3.1 product. With the release of Windows 95 and then with Windows 98, their monopoly was secure.

Microsoft no longer ships or supports Windows 3.1 and Windows 95. Their present products, Windows 2000 and Windows XP, use what they call 'New Technology' and are a significant departure from the earlier products.

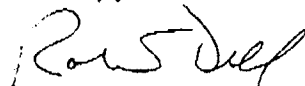
Microsoft has recouped all development costs for Windows 3.1 and Windows 95, and has, as a result of their monopoly, made very significant profits from these products.

A settlement that would mandate a transfer to the public domain all source code for Windows 3.1 and Windows 95 would allow competition in the operating system market and penalize Microsoft. Although the defendant may argue that the loss of this intellectual property will significantly impair the present and future viability of the products they develop, such a statement cannot be considered with any credence.

Any settlement must address both competition in the operating system market, and a penalty. Shipping free goods that increases the future dependence on the monopolist IS NOT a penalty. Allowing limited access to some source code, so that more products may be developed that can only be used with the monopolists products, is not a penalty.

I beg the court to consider that the key to a just and equitable settlement is increasing competition in the operating system market. The people are being held hostage by Microsoft and are suffering for it.

Sincerely yours,



Robert Dell